

## **Assembly Bill No. 2071**

### **CHAPTER 570**

An act to add Sections 42358 and 42359.8 to the Public Resources Code, relating to solid waste.

[Approved by Governor September 29, 2008. Filed with  
Secretary of State September 29, 2008.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 2071, Karnette. Plastic bags: plastic food and beverage containers: enforcement.

Existing law prohibits a person from selling a plastic bag or a plastic food or beverage container in this state that is labeled with the term "compostable," "biodegradable," "degradable," or any form of those terms, or in any way that implies that the plastic bag or plastic food or beverage container will break down in a landfill, composting, marine, or other natural terrestrial environment, unless, at the time of the sale, the plastic bag or plastic food or beverage container meets specified standards for the term used on the label. Existing law also requires a manufacturer or supplier of plastic bags or plastic food or beverage containers, upon the request of a member of the public, to submit to that member, within 90 days of the request, specified information and documentation relating to the manufacturer's or supplier's compliance with that labeling requirement.

This bill would authorize a city, a county, or the state to impose civil liability, in specified amounts, for violations of the above provisions and would require any civil penalties collected to be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action. The bill would authorize any penalties collected by the Attorney General to be expended by the Attorney General, upon appropriation by the Legislature, to enforce those provisions. This bill would provide that the remedies are not exclusive and are in addition to the remedies that may be available pursuant to prescribed enforcement provisions of the Unfair Practices Act. The bill would require any costs incurred by a state agency in carrying out the above provisions to be recoverable by the Attorney General, upon the request of the state agency, from the liable person or persons.

*The people of the State of California do enact as follows:*

SECTION 1. Section 42358 is added to the Public Resources Code, to read:

42358. (a) A city, a county, or the state may impose civil liability in the amount of five hundred dollars (\$500) for the first violation of this chapter, one thousand dollars (\$1,000) for the second violation, and two thousand dollars (\$2,000) for the third and any subsequent violation.

(b) Any civil penalties collected pursuant to subdivision (a) shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action. The penalties collected pursuant to this section by the Attorney General may be expended by the Attorney General, upon appropriation by the Legislature, to enforce this chapter.

(c) The remedies provided by this section are not exclusive and are in addition to the remedies that may be available pursuant to Sections 17200 to 17210, inclusive, of the Business and Professions Code.

(d) Any costs incurred by a state agency in carrying out this chapter shall be recoverable by the Attorney General, upon the request of the agency, from the liable person or persons.

SEC. 2. Section 42359.8 is added to the Public Resources Code, to read:

42359.8. (a) A city, a county, or the state may impose civil liability in the amount of five hundred dollars (\$500) for the first violation of this chapter, one thousand dollars (\$1,000) for the second violation, and two thousand dollars (\$2,000) for the third and any subsequent violation.

(b) Any civil penalties collected pursuant to subdivision (a) shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action. The penalties collected pursuant to this section by the Attorney General may be expended by the Attorney General, upon appropriation by the Legislature, to enforce this chapter.

(c) The remedies provided by this section are not exclusive and are in addition to the remedies that may be available pursuant to Sections 17200 to 17210, inclusive, of the Business and Professions Code.

(d) Any costs incurred by a state agency in carrying out this chapter shall be recoverable by the Attorney General, upon the request of the state agency, from the liable person or persons.